IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36341 of 2007 (DINA NATH SINGH)
Cr.Misc. No.9967 of 2008 (RAJU KUMAR SINGH)
Cr.Misc. No.13458 of 2008 (SANJAY SINGH)
Versus
STATE OF BIHAR
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7 16.7.2008 Heard the petitioners, informant and the State.

It is said in the FIR that younger brother of the informant, namely, Ravi Shankar Singh alias Satendra Singh had gone to Behia Bazar after taking meal from his house at 8.30 am on 4.3.2006. It is further said that he returned from Bazar at 6. pm same day to the house of ex-mukhia from where he again proceeded for Behia Bazar at 7. pm but he did not come back in the night and on the next day (5.3.1006) a hulla was raised at 7 am that his dead body was lying on the railway track with marks of violence. The informant filed the instant FIR at 10 am on 5.3.2006.After investigation, police submitted charge sheet.

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It is submitted on behalf of the petitioner Dina Nath Singh that this is a case of circumstantial evidence and his name has been figured in the statement of wife of the informant that she had seen the petitioner sitting with the deceased at a shop in Behia on previous day i.e. 4.5.2006. It is further submitted that wife of the informant was in her house with her husband all the time and had petitioner been seen together with the deceased the previous day, she would have informed her husband who lodged the FIR the following day at 10 am. In such circumstance, he would have been named by informant in the F.I.R.

It is submitted on behalf of the informant that apart from

wife, daughter of the informant had also seen the petitioner sitting with the deceased at a shop in Behia on 4.3.2006.

More or less similar submissions have been made on behalf of other petitioners.

Keeping in view the facts of the case as well as period of incarceration since 21.9.2006, let the petitioner, namely, Dina Nath Singh be released on bail on furnishing bail bond of Rs.10, 000/- with two sureties of the like amount each to the satisfaction of the Addl Sessions Judge-3, FTC, Bohjpur at Ara in Behia PS case no. 45 of 2006.

Prayer for bail of rest petitioners, namely, Raju Kumar Singh and Sanjay Singh who are in custody since 13.11.2007 and 16.9.2007 respectively is refused with liberty to renew the prayer for bail after completing one year in custody.

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Shashi. **(S.P.Singh,J).**

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